

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PRISCILLA ROQUE,	:	
Plaintiff	:	No. 1:12-cv-00512
	:	
v.	:	(Judge Kane)
	:	
DIALYSIS CORPORATION OF	:	
AMERICA,	:	
Defendant	:	

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On March 20, 2012, Plaintiff Priscilla Roque, proceeding pro se and in forma pauperis, initiated the above-captioned Title VII action against her former employer, Defendant Dialysis Corporation of America, alleging that Defendant had discriminated and retaliated against her. (Doc. No. 1.) After Plaintiff failed to respond to discovery requests, Defendant filed a motion to compel discovery and for sanctions on November 16, 2012. (Doc. No. 19.) The Court granted this motion, and ordered Plaintiff to respond to Defendant's discovery requests by November 30, 2012. (Doc. No. 20.) On November 30, 2012, Plaintiff produced certain documents that were not actually responsive to Defendant's requests. (Doc. No. 24-2.) Defendant subsequently filed a second motion to compel discovery and for sanctions on December 20, 2012. (Id.) Although the motion was temporarily withdrawn, Plaintiff again failed to meet her discovery obligations and, on May 15, 2013, Defendants moved the Court to compel discovery and for sanctions, or, in the alternative, to dismiss Plaintiff's claims due to her failure to meet discovery obligations. (Doc. No. 34.)

On August 19, 2013, Magistrate Judge Schwab issued a Report and Recommendation recommending that the above-captioned case be dismissed. (Doc. No. 40.) Although no timely

objections were filed, Plaintiff sent a letter to the Court on September 9, 2013, in which she claimed to have “given all requested documents to the defendant by hand or via email.” (Doc. No. 41.) Plaintiff also submitted copies of emails that she claimed were proof that she had responded to Defendant’s discovery requests. (Id.) The Court construed this letter as an informal objection to the Report and Recommendation, and ordered Plaintiff to substantiate the claims in her letter within fourteen days. (Doc. No. 43.) The Court warned Plaintiff that failure to do so would result in withdrawal of her objection to the Report and Recommendation. (Id.) Plaintiff did not respond to the Court’s order. As a result, the Court considers her objection to Magistrate Judge Schwab’s Report and Recommendation withdrawn.

AND NOW, on this 8th day of November 2013, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation of Magistrate Judge Schwab.
- 2) The Defendant’s motion to compel and for sanctions (Doc. No. 34) is **GRANTED**.
- 3) The case is **DISMISSED** and the Clerk of Court is directed to close the case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania